

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MAURICE CARR,

Plaintiff,

v.

Case No. 09-CV-629

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

On June 26, 2009, plaintiff Maurice Carr (“Carr”) filed a complaint seeking judicial review of a final administrative agency decision denying him disability insurance benefits. In addition to his complaint, Carr also filed a motion for leave to proceed *in forma pauperis* (IFP). The court finds that Carr fulfills the requirements to proceed IFP and will grant his motion.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed IFP, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se* plaintiff's allegations,

"however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Carr submits an affidavit in which he declares under penalty of perjury that he has a monthly income of \$0 and incurs monthly expenses totaling \$264. Based upon this information, the court determines that Carr is unable to pay the costs of commencing the instant action.

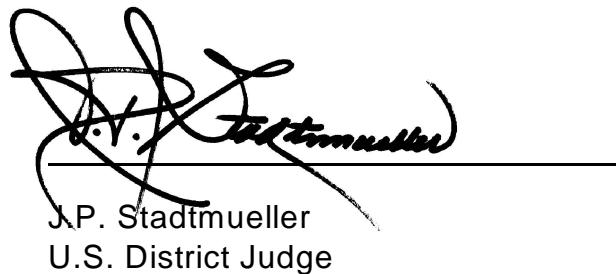
Liberally construing Carr's allegations, the court also finds that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. The court will, therefore, grant the motion for leave to proceed IFP.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 10th day of July, 2009.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge